

BOARD OF APPEALS
VARIANCE APPLICATION

In accordance with Chapter 24, Article VII, Section 24-188 of the City Code

Application No. _____
Date Filed _____
Property Posted _____
Legal Ad _____
BOA Hearing _____
Decision _____
Date of Decision _____

SUBJECT PROPERTY _____

ADDRESS _____ ZONING CLASSIFICATION _____

LOT _____ BLOCK _____ SUBDIVISION _____

APPLICANT _____ **TELEPHONE** _____

ADDRESS _____

NATURE OF APPLICATION

Briefly describe application request **referencing appropriate section of City Code.**

List case numbers of all applications filed within the past three (3) years pertaining to any portion of subject property.

SUBMISSION REQUIREMENTS

1. **A written statement** explaining the request to the Board of Appeals.
2. **Supporting documentation**, see list on reverse side.
3. **Fees**, see separate schedule.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Signature _____ Date _____

SUBMISSION CHECKLIST

In accordance with Chapter 24, Article VII, Section 24-188(c)(2) of the City Code

1. ☐ **Written statement** summarizing the petitioner's request.
2. ☐ **Survey plats, site plans or other accurate drawings** showing boundaries, dimensions, area, topography, and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed from the nearest property lines.
3. ☐ **Plans, architectural drawings, photographs, elevations, and specifications** of other detailed information depicting fully the exterior appearance of the existing and proposed construction, including parking and access, exterior lighting, and signs involved in the petition.
4. ☐ **Certified copy of official zoning vicinity map** with a one-thousand-foot radius (circle) surrounding the subject property and other information to indicate the general conditions of use and existing improvements on adjoining and confronting properties. (Zoning maps are available from the Planning and Code Administration.)
5. ☐ **List and addresses of adjoining and confronting property owners or occupants** within two hundred (200) feet of the subject property. If such property is a condominium, cooperative or is owned by a homeowners' association the petitioner must provide their correct address and that of their resident agent. (Information can be researched in the Planning and Code Administration.)
6. ☐ **All additional exhibits** which the petitioner intends to introduce and/or the identification of exhibits intended to be introduced at the public hearing.
7. ☐ **A summary of what the petitioner expects to prove** (see criteria), including the names of petitioner's witnesses, summaries of the testimony of expert witnesses, and the estimated time required for presentation of the applicant's case.
8. ☐ **All expert reports shall be filed at least fifteen (15) days prior to the public hearing.**
9. ☐ **A list of names and addresses of person whom you wish to be notified of the public hearing**, other than adjacent property owners.
10. ☐ **Required fee.**

CRITERIA

In accordance with Chapter 24, Article VII, Section 24-189(c) of the City Code

The Board of Appeals may authorize a variance from the terms of the Zoning Ordinance upon proof by the evidence of record that the property under consideration is unique and unusual in a manner different from the surrounding properties to the extent that the unique or unusual circumstances causes the zoning standards to impact disproportionately on the property and further, upon proof from the evidence of record that:

- By reason of exceptional narrowness, shallowness, shape, topographical conditions or other extraordinary situations or conditions peculiar to a specific parcel of property or improvements thereon, the strict application of the term and regulations of this chapter would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner's use of his property.
- Such variance is the minimum reasonably necessary to overcome the aforesaid exceptional circumstances.
- Such variance will not be detrimental to the use and enjoyment of neighboring properties.
- Such variance can be granted without substantial impairment to the approved Master Plan affecting the subject property.
- Such variance will not substantially impact or affect the character of the surrounding neighborhood.
- The extraordinary situation or conditions or the exceptional or undue hardship was not caused or created by the petitioner or any predecessor in interest.
- The grant of the variance will not permit or authorize a use of property, prohibited or not permitted under the terms of this chapter.

MARYLAND STATE CRITERIA FOR VARIANCE REQUESTS

In 1995, the Maryland Court of Special Appeals issued the following criteria for the Boards of Appeal to evaluate variance requests:

The variance process is at least a two-step sequential process.

1. The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is, in and of itself, unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness or peculiarity of the property causes the zoning provision to impact disproportionately upon the property. If this finding cannot be made, the process stops and the variance must be denied. If, however, the first step results in a supportable finding of uniqueness or unusualness,, then the second step in the process is taken.
2. The second step is a determination whether an unreasonable hardship (or practical difficulty) resulting from the disproportionate impact of the ordinance caused by the property's uniqueness exists.